

Case No. 24-1522 and all consolidated cases: Nos. 24-1624, 24-1626, 24-1627, 24-1628, 24-1631, 24-1634, 24-1685, and 24-2173

In the
United States Court of Appeals
for the Eighth Circuit

STATE OF IOWA, ET AL.
Petitioners,

v.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Respondent,

DISTRICT OF COLUMBIA, ET AL.
Intervenors.

On Petitions for Review of an Order of the
Securities and Exchange Commission

**MOTION OF UNITED STATES SENATE AND HOUSE OF
REPRESENTATIVES MEMBERS SENATORS SHELDON
WHITEHOUSE AND BRIAN SCHATZ, AND REPRESENTATIVES
SEAN CASTEN AND JUAN VARGAS FOR LEAVE TO
PARTICIPATE AS AMICI CURIAE
IN SUPPORT OF RESPONDENT THE SECURITIES AND
EXCHANGE COMMISSION (SEC)**

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Pursuant to Rule 29, Federal Rules of Appellate Procedure, Movant *Amici curiae*, who are members of the United States Senate and House of Representatives, Senators Sheldon Whitehouse and Brian Schatz, and Representatives Sean Casten and Juan Vargas, respectfully move for leave to file a brief of *Amici curiae* in support of Respondent Securities and Exchange Commission (SEC).

Movant *amici* request leave to file this motion out of time, and movants note that they timely filed their Brief on August 15, 2024.

In their respective capacities as members of the United States Senate and the United States House of Representatives, movants have peculiar knowledge which will be helpful to the Court in making its determinations in this case.

Senator Sheldon Whitehouse represents the state of Rhode Island. First elected to the Senate in 2006, Senator Whitehouse is the Chair of the Senate Budget Committee, where he has held 17 hearings over the last 18 months examining climate-related economic, financial, and budgetary risks our country faces.

Senator Brian Schatz represents the state of Hawaii, a seat he has held since 2012. Senator Schatz has led key legislation to address climate change

and the financial risks it poses, including the *Climate Change Financial Risk Act*.

Representative Sean Casten represents the 6th Congressional District of Illinois. First elected in 2019, Representative Casten serves on the House Financial Services Committee and is Vice Ranking Member of the House Science, Space, and Technology Committee. He has sponsored multiple pieces of legislation focused on analyzing and addressing climate-related financial risks.

Representative Juan Vargas represents the 52nd district of the state of California. First elected to the U.S. House of Representatives in 2012, Representative Vargas serves on the Committee on Financial Services. He is also the co-founder and co-chair of the Sustainable Investment Caucus.

Movants request leave to file their *Amici* brief in support of the Respondent, the Securities and Exchange Commission (SEC), to underscore the serious financial and economic risks posed by climate change, the importance of detailed corporate climate risk disclosures, and the necessity that the SEC compel climate risk disclosures. They also seek to demonstrate how the instant litigation fits into a larger attack on environmental, social, and governance (ESG) investing, which is an attack organized and financed

by the fossil fuel industry, that is intended to obscure climate-related risks and pressure fiduciaries not to disclose them.

WHEREFORE, Movants request leave to file this motion out of time and for leave to file their brief of *Amici Curiae* in support of the Respondent SEC.

Respectfully submitted,

/s/ Mark I. Bronson

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Schatz, and Representatives Sean
Casten and Juan Vargas

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 16, 2024, the foregoing document was served on all parties or their counsel of record through CM/ECF system.

Dated this August 16, 2024.

/s/ Mark I. Bronson

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